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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/033,832	03/03/1998	WALTER W. MOSHER JR.	PREDYN-42891	2572
7590	03/01/2006		EXAMINER GREEN, BRIAN	
Scott W. Kelley 6320 Canoga Avenue, Suite 1650 Woodland Hills, CA 91367			ART UNIT 3611	PAPER NUMBER

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/033,832	Applicant(s) MOSHER ET AL.	
	Examiner Brian K. Green	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30,32,35-38,41,43 and 44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30,32,35-38,41,43 and 44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 30,32, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen (U.S. Patent No. 5,479,797) in view of applicant's admitted art in the specification, page 3, lines 5-8, de Jong (U.S. Patent No. 4,612,719), and Tokunaga (U.S. Patent No. 5,168,281).

Petersen shows in figures 1-6 a disposable attachment means (20) and a reusable securement means (10). The extremities of the attachment means pass through openings in the securement means and overlap, see figures 4 and 5. Petersen shows in figures 2 and 3 that one end of the strap includes an opening (26) for receiving a mounting boss (32) therein. Petersen shows in figures 1,2, and 5 that the securement means defines an opening for slide-through passage of the strap second end. Petersen does not disclose attaching a radio frequency identification device to the securing means and attaching an antenna for the radio frequency identification device to the strap. The applicant discloses in the specification that the use of radio frequency identification devices are known in the art. De Jong shows in figure 1 the idea of embedding a detection device (2) within a securing device. In view of the teachings of the applicant's admitted prior art and de Jong it would have been obvious to one in the art to modify Petersen by attaching a radio

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frequency identification device (RFID) to the securing means since this would allow electronic information to be stored on the assembly, the information changed as desired, and the information transmitted to a distant location in an easier and faster manner. Tokunaga shows in figures 1-4 a device comprising an elongated and disposable flexible strap (2,4) having an antenna (3) carried on the strap, and coupling means (5,12) for operatively and removably connecting the antenna with the receiver when the securement means is connected to the strap, and for disconnecting the antenna from the receiver when the securement means is disconnected from the strap. In view of the teachings of Tokunaga it would have been obvious to one in the art to modify Petersen in view of the applicant's admitted prior art and de Jong by placing an antenna within the band since this would allow the RFID to both transmit and receive signals in a better manner.

Claims 35-37,41,43, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacDonald (U.S. Patent No. 5,323,554) in view of applicant's admitted art in the specification, page 3, lines 5-8, de Jong (U.S. Patent No. 4,612,719), and Tokunaga (U.S. Patent No. 5,168,281).

MacDonald shows in figures 1-10 a disposable tubular band (10 or 14) and a reusable securement means (16 or 16' or 16''). The opposite ends of the strap (10 or 14) have openings which receive the opposite ends of the securement means. MacDonald does not disclose attaching a radio frequency identification device to the securing means and attaching an antenna for the radio frequency identification device to the strap. The applicant discloses in the

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specification that the use of radio frequency identification devices are known in the art. De Jong shows in figure 1 the idea of embedding a detection device (2) within a securing device. In view of the teachings of the applicant's admitted prior art and de Jong it would have been obvious to one in the art to modify MacDonald by attaching a radio frequency identification device (RFID) to the securing means since this would allow electronic information to be stored on the assembly, the information changed as desired, and the information transmitted to a distant location in an easier and faster manner. Tokunaga shows in figures 1-4 a device comprising an elongated and disposable flexible strap (2,4) having an antenna (3) carried on the strap, and coupling means (5,12) for operatively and removably connecting the antenna with the receiver when the securement means is connected to the strap, and for disconnecting the antenna from the receiver when the securement means is disconnected from the strap. In view of the teachings of Tokunaga it would have been obvious to one in the art to modify MacDonald in view of the applicant's admitted prior art and de Jong by placing an antenna within the band since this would allow the RFID to both transmit and receive signals in a better manner.

Response to Arguments

Applicant's arguments filed Dec. 15, 2005 have been fully considered but they are not persuasive.

The applicant argues that the applicant has never admitted in the specification or otherwise that de Jong, Tokunaga or any other patent identified in the Office Action constitutes art. It is not clear from the applicant's argument whether the applicant is stating that the applicant has not admitted in the specification that the use of RF circuits were known prior to the

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applicant's invention. The original specification, page 3, lines 5-8 suggests that RF circuits were known to the applicant before the time of the applicant's invention. Further, it is well known in the art that RF circuits were known prior to the applicant's invention, see U.S. Patents 5,604,485 and 5,608,739, and 5,479,416.

The applicant argues that the examiner picks and chooses aspects of the prior art references in light of the claims in attempting to reconstruct applicant's invention and the examiner uses impermissible hindsight. The examiner disagrees since all of the modification of references included in the 103 rejections above include proper motivation and the examiner is not using impermissible hindsight in these combinations.

The applicant argues that Tokunaga does not teach or disclose a coupling means for removably connecting the antenna with the radio frequency identification circuit. The examiner disagrees since Tokunaga discloses in column 5, lines 7-23, the idea of removably attaching the wristband to the casing (1). In view of the fact that the antenna is non-removably fixed to the wristband and the circuit is located in the casing, in order for the wristband to be removable from the casing, the antenna has to be removably connected to the circuit.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (571) 272-6644. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bkg
Feb. 23, 2006


BRIAN K. GREEN
PRIMARY EXAMINER